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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,466	01/06/2004	Jac-Ryong Park	1594.1321	2366
21171	7590	11/16/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PATEL, RITA RAMESH	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/751,466	Applicant(s) PARK ET AL.	
	Examiner Rita R. Patel	Art Unit 1792	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10.
Claim(s) withdrawn from consideration: 23-27 (Note: Claims 11-22 have been canceled).

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


MICHAEL BARR
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has cancelled claims 11-22, claims 1-10 remain pending and the Examiner maintains their rejection over claims 1-10. In Applicant's remarks filed 11/2/07, Applicant argues that the Hashiba reference relied upon fails to teach a feature of claim 1 which states that the internal surface of the rotary drum is inclined relative to the rotating axis of the rotary drum at a predetermined second angle of inclination. However, the Office maintains its position that the rotary drum is inclined at a predetermined first angle of inclination and an internal surface of the rotary drum is inclined at a second angle of inclination. The Examiner finds that the so-called first and second angles have not been prescribed to be different angles of inclination, thus the rotary drum and its internal surface may be still be angled at a first and second angle of inclination. Secondly, the claim language fails to specify an endpoint from which these so-called first and second angles are measured to; are the top midpoints of the rotary drum and its internal surfaces being measured? Are the topmost right-hand points being measured? It is noted that if measure from the same start point to each respective midpoint, the rotary drum and its internal surface have a different angle of incline, although a small difference appears between these two points, it is noted that they still have separate angles of inclination. Furthermore, the starting point from which these so-called first and second angles are measured are not specified to be the same; with respect to the rotary drum and first predetermined angle, the incline is relative to "a horizontal axis"; insomuch as the internal surface of the rotary drum and second predetermined angle, the incline is relative to "the rotating axis of the rotary drum". Since the start and endpoints of these predetermined angles vary, it can be ascertained from the Hashiba reference that Hashiba teaches a so-called first and second predetermined angle; the first angle relative to a horizontal axis, and the second angle relative to the rotating axis of the drum. Moreover, in Applicant's remarks, Applicant states that for Hashiba to anticipate claim 1 then the rotary drum 42 of Hashiba should have inclined sides; however, it is noted that Applicant fails to claim said subject matter into its claim 1. Claim 1 does not recite explicitly state this subject matter beyond a so-called first and second predetermined inclination which provide no specifically required angle of inclination afterall, nor do the claims recite that the diameter of the rotary drum cannot embody a consistent diameter throughout its length. The Office maintains its rejection; the Applicant has offered a broad claim recitation for said so-called first and second predetermined angles of inclination and accordingly, the Office has interpreted said claims according to their plain meaning, with respect to the provided disclosure, as well as in a broad and reasonable light.